

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 12 MAR 2004



WIPO PCT

Applicant's or agent's file reference Cal 85639	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 02/14850	International filing date (day/month/year) 30.12.2002	Priority date (day/month/year) 28.12.2001
International Patent Classification (IPC) or both national classification and IPC F04B39/00		
Applicant NUOVO PIGNONE HOLDING S.P.A. et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 20.06.2003	Date of completion of this report 11.03.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Vurro, L Telephone No. +49 89 2399-2951 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP 02/14850

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-18 as originally filed

Claims, Numbers

1-19 as originally filed

Drawings, Sheets

1/2, 2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application; the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 02/14850**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-19
	No: Claims	1
Inventive step (IS)	Yes: Claims	3-8, 10-12, 16-19
	No: Claims	2, 9, 13, 15
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1). The present application does not satisfy also the criterion set forth in Article 33(2) PCT because the subject-matter of independent Claim 1 is not new in respect of prior art as defined in the regulations (Rule 64(1)-(3) PCT).

GB-A-2 013 793 (D1) defines the most relevant state of the art for claim 1.

From (D1) there is known a self-lubricating plastics material for sealing elements, comprising all the features claimed in claim 1 of the present internationally application.

- 2). Dependent claims 2, 9, 13 and 15 contain features which are also known from D1 and referring back to claim 1 are not novel.
- 3). Dependent claims 3-8, 10-12, 14 and 16-19 contain features which are new with respect to the state of the art indicated in the international search report, and considering the purpose of minimising wear between components which are in contact during sliding, using a wear-resistant materials in the manufacture of sealing elements, seems to be also inventive.
- 4). Industrial application seems to be possible without any particular difficulties
- 5). Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document GB-A-2 013 793 (D1) is not mentioned in the description, nor is this document identified therein.
- 6). Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 7). The features of the claims are not provided with reference signs placed in

INTERNATIONAL PRELIMINARY

International application No. PCT/EP02/14850

EXAMINATION REPORT - SEPARATE SHEET

parentheses (Rule 6.2(b) PCT).